

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE VIRGIN ISLANDS**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 3:19-79</b>
	:	
<b>IVAN JAMES, KAI JAMES, JOH</b>	:	
<b>WILLIAMS, MALACHI BENJAMIN,</b>	:	
<b>JAHKIEBO JOSEPH, ARIEL</b>	:	
<b>PETERSON</b>	:	

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of December 2023, upon considering the parties' responses (ECF Nos. 691, 693) to our show cause regarding the order of trials against the six Defendants detailed in paragraph four of our December 8, 2023 Order (ECF No. 669), mindful the Defendants agree with our proposal to try the claims in the third superseding Indictment against Defendants Ivan James and Joh Williams beginning with jury selection on January 17, 2024 and the United States claims a disqualifying conflict of interest in Defendant Ivan James's counsel which it believes would require a continuance (without considering we may have other qualified Criminal Justice Act counsel in the District ready to try the case for Defendant Ivan James along with his admitted counsel), and further considering Defendant Williams's December 12, 2023 Motion (ECF No. 685) to amend our December 8, 2023 Order (ECF No. 669) to allow a one-week extension of today's motion in limine filing obligations joined by co-Defendants, mindful we granted the United States leave to respond to Defendant Williams's Motion (ECF No. 685) by no later than 10AM December 14, 2023, and of our need to resolve whether we need further Orders addressing the United States disclosing fact witnesses for the January 17, 2024 trial before Friday, January 12, 2024 and our need to promptly inquire into an alleged basis to disqualify Defendant Ivan James's counsel and Defendant Williams's counsel or potential

conflicts of interest based on fee arrangements for counsel for Defendants Kai James, Malachi Benjamin, Joh Williams, and Jahkiebo Joseph under the United States' Motions (ECF Nos. 612, 667), and finding good cause consistent with our December 8, 2023 Order (ECF No. 669) as to trial presentation, it is **ORDERED** we:

1. **Attach** trial counsel and the parties for jury selection immediately followed by a trial on the grand jury's charges against Defendants Ivan James and Joh Williams in the third superseding Indictment beginning at **9:00 AM January 17, 2024** in a courtroom to be announced and we will address the trial date for the trial against the four other Defendants during our January 9, 2024 pretrial hearings (ECF No. 669, par. 6d);

2. **Amend** the September 18, 2023 and November 30, 2023 Orders (ECF Nos. 559, 640) to grant the parties leave to file, by no later than **January 3, 2024**, final jury instructions along with the filing of proposed voir dire and opening preliminary jury instructions (*see* ECF No. 669) and grant leave to file objections by no later than **January 8, 2024**;

3. **Amend** our December 8, 2023 Order (ECF No. 669) to extend the motion in limine filing deadline until **December 19, 2023** (only to address issues arising in the trial involving counts against Defendants Ivan James and Joh Williams) subject to further Order;

4. **Direct** counsel for Defendants Ivan James, Kai James, Malachi Benjamin, Joh Williams, and Jahkiebo Joseph to confirm their and their client's availability for *separate ex parte* transcribed and sealed virtual or telephonic examinations regarding the issues raised in the United States' Motions (ECF Nos. 612, 667)(aware we expect timely written responses from Defendants) for **Friday, December 15, 2023** or **Monday, December 18, 2023** and Defendants file a joint Notice no later than **4:00 PM AST** on December 14, 2023 advising as to acceptable

times (not exceeding thirty minutes for each separate hearing as to each Defendant) after which we will provide confidential access information for each separate sealed session.

A handwritten signature in blue ink, appearing to be 'J. Kearney', is written over a horizontal line.

**KEARNEY, J.**